

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY 09-36760

SCHWING AMERICA, INC.,

Debtor.

**ORDER FOR EVIDENTIARY
HEARING ON OBJECTION
TO CLAIM 51 OF SBC GLOBAL
SERVICES, INC. AND OBJECTION
TO CLAIM 106 OF A T & T**

At Minneapolis, Minnesota, September 14, 2010.

IT IS ORDERED:

1. This matter is set for evidentiary hearing in Courtroom No. 7 West, United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota, on **October 21, 2010, at 2:00 p.m.**

2. No later than fourteen (14) days prior to the hearing, all parties are expected to confer and enter into a stipulation as to the following:

- a) Waiver of objections to the admissibility of exhibits on the grounds of lack of identification or foundation where the identification or foundation is not to be contested;
- b) Waiver of objections to the admissibility of depositions proposed to be offered in evidence, if any.
- c) Facts which are not disputed. This stipulation shall be reduced to writing in a form which can be adopted by the Court as Findings of Fact.

At this conference, counsel, or if unrepresented, any party representing him or herself without counsel shall provide copies of each exhibit for inspection by opposing counsel and for waiver or noting of objection.

3. No later than seven (7) days prior to the hearing, counsel or, if unrepresented, any party representing him or herself without counsel shall prepare, serve and file the following:

- a) A brief containing a complete statement of points and authority for issues of law;
- b) A list of all exhibits to be used at the hearing and the proposed sequence in which they will be offered. This list shall include a brief description of the exhibit, its identification number or letter, and those agreed to be admissible and the grounds of objection for any not agreed upon. Only exhibits so listed shall be offered as evidence at the hearing;
- c) A list of all prospective witnesses in the sequence they will be called.. This schedule shall include a brief statement of the substance of the testimony of each witness. Only witnesses so listed shall be permitted to testify at the hearing;
- d) A list of depositions proposed to be offered in evidence, if any, and a statement of any objections to the receipt and evidence of portions of any such depositions, identifying the objecting party and the grounds. Only depositions so listed shall be offered in evidence at the hearing except for good cause shown.

4. Failure to abide by the provisions of this Order may result in imposition of sanctions upon counsel or a party.

5. Counsel shall understand that dates fixed hereby are mandatory. Deadlines shall not be extended except for good cause. No motion shall be heard unless filed prior to the expiration of the deadline set. The Court reserves the right to act upon such motions without a hearing, if circumstances so mandate.

/s/ Nancy C. Dreher
Nancy C. Dreher
Chief United States Bankruptcy Judge

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on 09/14/2010 Lori Vosejpka, Clerk, by KK
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